

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

Daniel P. Barnard,	:	
	:	
Plaintiff,	:	Case No. 3:09-cv-340
	:	
- vs -	:	District Judge Thomas M. Rose
	:	Magistrate Judge Michael R. Merz
Timothy O'Connell, et al.,	:	
	:	
Defendants.	:	

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #3), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Complaint is dismissed with prejudice for failure to state a claim upon which relief can be granted.

September 29, 2009.

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge